

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

SUN DANEMAN, HYANG RAN KIM, a/k/a
“Tina,” SENG HEE RYAN, JAE SHIM, and
TAE NAM THOMPSON,

Defendants.

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ALVIN K. HELLERSTEIN, U.S.D.J.:

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: **AMENDED ORDER DENYING**
: **MOTIONS FOR NEW TRIAL**
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: 06 Cr. 717 (AKH)
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Defendants Sun Daneman, Hyang Ran Kim, a/k/a “Tina,” Seng Hee Ryan, Jae Shim, and Tae Nam Thompson were tried before a court and jury for one count of conspiracy to transport individuals in interstate commerce to engage in prostitution, in violation of 18 U.S.C. § 2421, and one count of conspiracy to induce or persuade individuals to travel in interstate commerce to engage in prostitution, in violation of 18 U.S.C. § 2422. Two of the defendants, Kim and Shim, were also tried on one count of conspiracy to provide or obtain the labor or services of a person through a scheme, plan or pattern intended to cause such person to believe that if she did not perform the labor, she or another person would suffer serious harm or physical restraint, in violation of 18 U.S.C. § 1589 and § 1590.

The trial began on October 22, 2007, and the jury returned with a verdict of guilty for all five defendants on Count One, guilty only as to defendants Kim and Ryan on Count Two, and not guilty for defendants Kim and Shim on Count Three, on November 9, 2007.

All defendants now move for a judgment of acquittal, pursuant to Fed. R. Crim. P. 29, and for a new trial, pursuant to Fed. R. Crim. P. 33.

I deny the motions with respect to all five defendants.

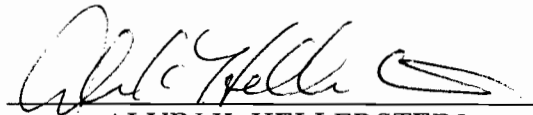
On both counts, the proof presented at trial by the Government amply supported the jury’s finding that all five defendants had violated 18 U.S.C. § 2421, and that defendants Kim and Ryan had violated 18 U.S.C. § 2422. The Government offered testimony from the following witnesses: Agents who had searched the defendants’ places of business and recovered large amounts of sexual paraphernalia; undercover police officers who stated that they were offered sex in exchange for money by women working at some of the spas; and women who said they

worked at defendants' spas as prostitutes. The Government also entered into evidence translated, transcribed phone calls between each of the defendants and the "hub" of the conspiracy, a taxi driver named Tae Hoon Kim, who provided prostitutes to businesses along the eastern seaboard. Viewing the evidence in the light most favorable to the government – the applicable standard for motions under Rule 29 – there is ample evidence to support the verdicts. See, e.g., United States v. Jones, 393 F.3d 107, 111 (2d Cir. 2004) (setting out standard of review for defendant's challenge to the sufficiency of evidence). In sum, the Government showed that each of the defendants had joined a conspiracy to transport women across state or international lines to engage in prostitution, and that defendants Kim and Ryan had additionally conspired to induce or persuade individuals to travel in interstate commerce to engage in prostitution in brothels defendants owned or operated.

Defendants also move for a new trial, pursuant to Fed. R. Crim. P. 33, based on primarily the same arguments presented for setting aside the verdict. However, since the trial was fair, the jury's verdict was not against the weight of the evidence, and was not otherwise against the interest of justice, the motions are denied. See, e.g., United States v. Sanchez, 969 F.2d 1409, 1413 (2d Cir. 1992).

SO ORDERED.

Dated: May 30, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge